THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14244 OF 2007

Dated: 03.12.2007

Between:

The Superintendent of Police, at Medak
Sangareddy and two others.

...Petitioners

And

B.Nagabhushanam and two others.

...Respondents

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14244 of 2007

ORAL ORDER: **(per the HON'BLE SRI JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Services-I, appearing for the petitioners, as well as the learned counsel appearing for the respondents.

2. This writ petition is directed against the order, dated 30.09.2003, passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), disposing of the application O.A.No.6565 of 2003, filed by the respondents herein, seeking to extend the benefit of G.O.Ms.No.280, Home (Pol.D) Department, dated 13.12.2001, as was extended earlier to other

petitioners in O.A.No.3180 of 2002, by the Tribunal, in its judgment, dated 22.03.2002.

3. Earlier, a Division Bench of this Court had an occasion in a batch of writ petitions viz., Writ Petition No.4424 of 2004 and Batch, to discuss about various aspects, including the applicability of Rule-13 (a) of Andhra Pradesh Police Sub-ordinate Service Rules (for brevity "the Rules"), and, while resolving the controversy – as to whether the Government was justified in denying the weightage increments during the training and probation period, it went into the scope and applicability of Rule-13 (b) of the Rules and eventually, held that the said Rule was absolutely applicable, and, in fact, in the earlier batch of O.As., the Tribunal did not go into this question at all. Had this question been gone into, in all probability, the decision would have been otherwise.

4. In view of the said fact, the Division Bench of this Court, by its common order, dated 04.12.2006, allowed the said Batch of writ petitions, setting aside the impugned orders therein, and remanded the matters to the Tribunal for fresh consideration and disposal, keeping in view the applicability of Rule-13 (b) of the Rules.

5. Following the said common order, dated 04.12.2006, in Writ Petition Nos.4424 of 2004 and batch, passed by the Division Bench of this Court, this writ petition is also liable to be allowed and the matter has to be remanded to the Tribunal for fresh consideration and disposal along with the said batch of O.As.

6. For the foregoing, the writ petition is liable to be allowed, the impugned order, 30.09.2003, in O.A.No.6565 of 2003, is liable to be set aside and the matter has to be remanded to the Tribunal for fresh consideration and disposal, taking into consideration the scope and application of Rule-13 (b) of the Rules.

7. With the above observations, the writ petition is allowed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE K.C.BHANU

03RD DECEMBER 2007
DR